

### **REMARKS**

Claims 1-25 are pending in the application. Claims 1-4 and 6-25 stand rejected in this Office Action. Claim 5 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 5 has been rewritten as an independent claim including the limitations of rejected claim 1. Claim 5 has not been narrowed. No new matter has been added.

### **REJECTIONS UNDER 35 USC § 102**

Claims 1-4 and 6 stand rejected under 35 USC § 102(b) as being anticipated by US Patent 6,319,115 B1 to Shingaki. Claim 5 has been rewritten in independent form amended to include the limitations of claim 1 and is an independent apparatus claim on which claims 2-3 and 6-16 depend. A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference.

Shingaki '115 describes (see Figs 1-5 and 7), a structure having an air flow passage 42 between an internal wall section (22) and an external wall section (51) where air is drawn from the outside into the flow passage and flows through the passage by natural convection or is drawn through the passage by ventilation fans 331 and exhausted through underroof outlets (441). Independent claims 17 and 20 substantially incorporate this limitation. Shingaki '115 does not disclose, teach, or suggest a structure having a wall section with an internal wall passage and an air circulation system creating a positive pressure in at least a portion of the structure for causing the air to flow through the passage as claimed by applicant.

Accordingly, applicant respectfully submits that independent claims 1, 17 and 20 and their respective dependent claims are patentable under 35 USC § 102 over Shingaki '115 and the prior art of record.

**REJECTIONS UNDER 35 USC § 103**

Claims 7-13 stands rejected as being unpatentable over Shingaki in view of Ojala. Claims 14-25 stand rejected as being unpatentable over Shingaki in view of Tedman. In each instance, the examiner has stated that Shingaki shows the basic claimed structure. In view of the amended claims, Shingaki clearly does not disclose the basic claimed structure. Therefore, applicant submits that claims 7-13 and 14-25 are patentable under 35 USC § 103(a) in view of the cited prior art.

Consideration of the application as amended is respectfully requested.

Respectfully submitted,



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